

APR. 27. 2004 5:06PM

CALFEE HALTER GRISWOLD

NO. 2761 P. 1



CALFEE, HALTER & GRISWOLD LLP

April 27, 2004

TO: U.S. Patent and Trademark Office
FAX NUMBER: (703) 872-9306
SEND ONLY TO THE ABOVE FAX NUMBER:

CONFIRMATION
PHONE NUMBER:

OFFICIAL

**RECEIVED
CENTRAL FAX CENTER**

APR 27 2004

FROM: Douglas B. McKnight
DIRECT DIAL PHONE NUMBER: 216-622-8200

CLIENT NO.: 27475

MATTER NO.: 04679

CLIENT NAME: Master Lock Company

NUMBER OF PAGES (including this page): 6

MESSAGE:

In re application of:

Zapushek

Serial No.: 09/780,536

Filed: February 12, 2001

For: PIN LOCKING DEVICE & METHOD
OF LOCKING

Examiner: S. Barrett

Group Art Unit: 3676

Confirmation No.: 8389

Tech Center: 3600

Attorney Docket No.: 27475/04679

Per my conversation today with S. Barrett regarding the above application, I'm resending a Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action that was originally sent on February 2, 2004.

This facsimile transmission contains confidential and/or legally privileged information from the law firm of Calfee, Halter & Griswold LLP intended only for the use of the individual(s) named on the transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this facsimile transmission is strictly prohibited. If you have received this transmission in error, please notify us by telephone immediately so that we can arrange for the return of the documents to us at no cost to you.

If there is a problem with this transmission, please contact the Fax Department at: 216/622-8426, 216/622-8428, or 216/622-8522. Facsimile can be received 24 hours per day, 7 days each week at 216/241-0816. Thank you.

Fax Operator's Initials:

Sent By: DH

Time: 5:05

Logged By: _____

Time: _____

1400 McDonald Investment Center • 800 Superior Avenue • Cleveland, Ohio 44114-2688 • 216/622-8200
Cleveland Fax Number • 216/241-0816

1650 Fifth Third Center • 21 East State Street • Columbus, Ohio 43215-4243 • 614/621-1500
Columbus Fax Number • 614/621-0010

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U. S. Postal Service, with sufficient postage as First Class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on this 2nd day of February, 2004.

(Print Name) Lori Yanoff

(Signature) 

Customer Number**24024****PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Zapushch

Serial No.: 09/780,536

Filed: February 12, 2001

For: PIN LOCKING DEVICE & METHOD
OF LOCKING

Attorney Docket No.: 27475/04679

Art Group: 3676

Examiner: S. Barrett

Confirmation No.: 8389

**TRANSMITTAL OF PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION**

Mail Stop Petition
Commissioner of Patents
Alexandria, Virginia 22313-1450

Transmitted herewith are the following:

1. Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action;
2. Copy of Notice of Abandonment mailed January 7, 2004;
3. Copy of Revocation of Attorney and Appointment of New Attorney;
4. Statement of Facts in support of petition; and
5. Return Receipt Postcard.

It is believed that no further fee is required relating to the filing of these documents. If this is not the case, the Patent Office is hereby authorized to charge any related fee to Deposit Account No. 03-0172. A duplicate copy of this sheet is attached.

Respectfully submitted,

Date: 2/2/04

By: 

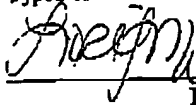
Douglas B. McKnight, Reg. No. 50,447
216/622-8559

Certificate of Mailing

I hereby certify that this document is being deposited with the U.S. Postal Service as first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313, on this 2nd day of February, 2004.

Typed or Printed name of person signing this certificate:

Lori Yanoff

Customer Number**24024** **OFFICIAL****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED
CENTRAL FAX CENTER****APR 27 2004**

In re application of: Zapushek

Serial No.: 09/780,536

Filed: February 12, 2001

For: PIN LOCKING DEVICE & METHOD
OF LOCKING

Attorney Docket No.: 27475/04679

Art Group: 3676

Examiner: S. Barrett

Confirmation No.: 8389

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON
FAILURE TO RECEIVE OFFICE ACTION**

Mail Stop Petition
Commissioner of Patents
Alexandria, Virginia 22313-1450

Dear Sir:

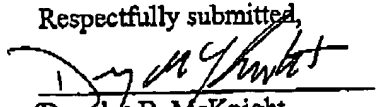
Applicants, through their attorneys, hereby Petition the Commissioner to withdrawn the holding of abandonment for the above-identified application. A Notice of Abandonment was mailed by the Office on January 7, 2004 indicating the application was abandoned for failure to reply to an Office Action dated June 23, 2003. Applicants request withdrawal of the holding of abandonment based on the non-receipt of the Office Action. Furthermore, Applicants have yet to receive the Office Action dated June 23, 2003, and as such, requests that the Office resend the Office Action, resetting the due date for response.

In support of this petition, applicants present herewith:

- (1) a statement of facts;
- (2) a copy of the Notice of Abandonment dated January 7, 2004; and
- (3) a copy of the Revocation of Power of Attorney and Appointment of New Attorney.

If any additional fee is due with this petition, please charge our Deposit Account Number 03-0172.

Respectfully submitted,



Douglas B. McKnight
Reg. No. 50,447

APR. 27. 2004 5:07PM

CALFEE HALTER GRISWOLD

RECEIVED
CENTRAL FAX CENTER

APR 27 2004

NO. 2761

P. 4

OFFICIAL

Certificate of Mailing

I hereby certify that this document is being deposited with the U.S. Postal Service as first class mail, in an envelope addressed to the Commissioner for Patents, MS Petition, P.O. Box 1450, Alexandria, Virginia 22313, on this 2nd day of February, 2004.
Typed or Printed name of person signing this certificate:

Lori Yaneff

Customer Number

24024

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Zapushek

Serial No.: 09/780,536

Filed: February 12, 2001

For: PIN LOCKING DEVICE & METHOD
OF LOCKING

Attorney Docket No.: 27475/04679

Art Group: 3676

Examiner: S. Barrett

Confirmation No.: 8389

STATEMENT OF FACT IN SUPPORT OF PETITION TO WITHDRAW HOLDING OF
ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION

Mail Stop Petition
Commissioner of Patents
Alexandria, Virginia 22313-1450

Dear Sir:

Abandonment of the above-identified application for failure to timely respond to the Office Action dated June 23, 2003 was unavoidable as Applicant have not received the Office Action. Below is a detailed statement of facts that outlines the history of this application and the unavoidable abandonment thereof. As such, Applicants submit that a response to the Office Action could not have been submitted and that the holding of abandonment should be withdrawn.

The present application was filed February 12, 2001 and assigned serial number 09/780,536. A first Office Action was mailed on September 24, 2002. In response to the Office Action, a Response To the Office Action was mailed on March 24, 2003. On May 20, 2002 an Executed Revocation of Power of Attorney and Appointment of New Attorney was mailed to the Patent Office. The return receipt postcard was stamped by the Office of Initial Patent Examination on May 31, 2002 and returned to our offices. Unbeknownst to Applicants or their new attorneys, a second Office Action was mailed by the Patent

Office on June 23, 2002. Neither Applicants nor their attorney have received the Office Action as the second Office Action was mailed to the prior counsel. This set of facts was reviewed with the Examiner on January 5, 2004 - see the attached Interview Summary. Applicants still do not have a copy of the second Office Action.

Since Applicants are not in receipt of the second Office Action, Applicants hereby petition to have the holding of abandonment of this application withdrawn. Applicants have provided this statement of facts as proof of the circumstances that lead to the unavoidable abandonment of this application. Applicants request the re-mailing of the second Office Action and a resetting of the response due date. Applicant would be more than willing to produce any further information or documentation that the Patent Office deems necessary to support the enclosed petition.

Respectfully submitted,



Douglas B. McKnight
CALFEE, HALTER & GRISWOLD LLP
(216) 622-8559

Serial No.: 09/780,536
Docket No.: 27475/04679
Applicant: Zapushek
Date Filed: February 12, 2001
For: PIN LOCKING DEVICE & METHOD OF LOCKING

Receipt is hereby acknowledged by the Commissioner for Patents for the following:

- Transmittal Form
- Petition to Withdraw Holding of Abandonment based on Failure to Receive Office Action
- Copy of Notice of Abandonment mailed January 7, 2003
- Copy of Revocation of Power of Attorney and Appointment of New Attorney
- Statement of Facts in support of petition
- Return Postcard

Mailed via First Class Mail, postage paid, this 2nd day of February, 2004, to Mail Stop
Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

{LY1583.DOC;1} [130] DBM/ly